

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1884

JUDITH B. KLEIN,

Plaintiff - Appellant,

v.

HOUSEHOLD REALTY CORPORATION, d/b/a Household Realty
Corporation of Virginia; HSBC MORTGAGE SERVICES, INC.,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Anthony J. Trenga,
District Judge. (1:11-cv-00114-AJT-TCB)

Submitted: March 27, 2012

Decided: April 13, 2012

Before MOTZ, KEENAN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Henry W. McLaughlin, III, LAW OFFICE OF HENRY MCLAUGHLIN, P.C.,
Richmond, Virginia, for Appellant. Robert R. Michael, Stephen
B. Wood, BIERMAN, GEESING, WARD & WOOD, LLC, Richmond, Virginia,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Judith B. Klein appeals the district court's order granting Defendants' Fed. R. Civ. P. 12(b)(6) motion to dismiss her civil action seeking rescission of a secured consumer credit transaction under the Truth in Lending Act ("TILA"), 15 U.S.C.A. §§ 1601-1667f (West 2009 & Supp. 2011). We have reviewed the record and conclude that Klein did not establish how, under an objective approach, the parties' arbitration rider rendered unclear and non-conspicuous Defendants' disclosure to Klein of her right to rescind the credit transaction. See Palmer v. Champion Mortg., 465 F.3d 24, 28 (1st Cir. 2006) ("[C]ourts must evaluate the adequacy of TILA disclosures from the vantage point of a hypothetical average consumer – a consumer who is neither particularly sophisticated nor particularly dense."). Accordingly, we affirm the district court's order. Klein v. Household Realty Corp., No. 1:11-cv-00114-AJT-TCB (E.D. Va. July 15, 2011). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED